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On

23 Feb. 2005

TOWNSEND and TOWNSEND and CREW LLP

By: Malinda Adair

PATENT

Attorney Docket no. 02307K-141317US
Client Ref. no. 96-540-9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Charles L. SAWYERS *et al.*

Application No.: 10/067,705

Filed: February 4, 2002

For: MOUSE MODELS OF HUMAN
PROSTATE CANCER

Customer No.: 20350

Confirmation No. 8401

Examiner: Thaian N. Ton

Technology Center/Art Unit: 1632

PETITION UNDER 37 CFR §1.183

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §1.183, Applicants hereby petition for waiver of the provisions of 37 C.F.R. §1.67 in order to file a supplemental Declaration where a joint inventor refuses to sign or cannot be found or reached after diligent effort.

Proof of the pertinent facts is submitted with the petition, to properly establish that a diligent effort has been made to obtain the signature of joint inventor Dr. Karen A. Klein. Specifically, Applicants are submitting the following items in Exhibit A: a photocopy of the letter sent to Dr. Klein (dated July 29, 2004) that accompanied the substitute Declaration, which was sent via priority FedEx, along with a pre-paid envelope for returning the signed substitute Declaration; and a copy of FedEx proof of delivery.

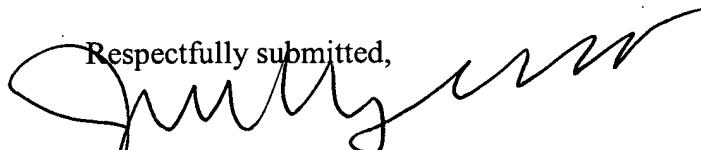
The Examiner deemed the original Declaration filed in this application as defective and required filing of a compliant Declaration. All of the inventors (Drs. Sawyers, Witte, Reiters, and Klein) signed the Declaration as originally filed in the application.

The last known address of Dr. Klein is 174 Denslow Avenue, Los Angeles, CA 90049. An attempt was made by Applicant's agents to reach Dr. Klein to obtain her signature on the substitute Declaration for the instant application at this address. The delivery to her home address was sent via FedEx (see Exhibit A). This delivery was signed for by someone at the residence (also Exhibit A).

Applicants have also repeatedly attempted to reach the inventor in November of 2003 to obtain signatures for Declarations for filing in U.S. Application Nos. 10/062,684; 10/062,738; and 10/062,738, which also claim priority to the same parent applications. On November 18, 2003, Applicants' agent spoke to Dr. Klein on the phone. She confirmed at that time that her home address of record was current.

In view of the foregoing, we petition to proceed without Dr. Klein's signature. The other joint inventors, Drs. Sawyers, Witte, and Reiter, have executed the substitute Declaration for the application (enclosed). Because Dr. Klein has not signed the document after diligent effort, Applicants respectfully request waiver of the provisions of 37 C.F.R. § 1.67.

Please charge fee for filing this petition to our Deposit Account No. 20-1430 in accordance with the accompanying Fee Transmittal PTO/SB/17 submitted in duplicate.

Respectfully submitted,

Jean M. Lockyer
Reg. No. 44,879

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